

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

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UNITED STATES OF AMERICA

Plaintiff

-vs-

KEVIN D. BURTON

Defendant  
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: CASE NO. 1:10 CR 432-4  
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: ORDER ACCEPTING PLEA  
: AGREEMENT AND JUDGMENT  
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UNITED STATES DISTRICT JUDGE LESLEY WELLS

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Kenneth S. McHargh regarding the change of plea hearing and plea agreement of Kevin D. Burton which was referred to the Magistrate Judge with the consent of the parties.

On 29 September 2010, the government filed a three-count indictment against Kevin D. Burton for conspiracy to possess with intent to distribute and distribution of cocaine and cocaine base (crack) in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A), and 846, and unlawful use of a communication facility to facilitate a drug trafficking offense in violation of 21 U.S.C. § 843(b). On 1 November 2010, a hearing was held in which Kevin D. Burton entered a plea of not guilty before Magistrate Judge Kenneth S. McHargh. On 26 September 2012, Magistrate Judge McHargh received Kevin D.

Burton's plea of guilty and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Kevin D. Burton is found to be competent to enter a plea. He understands his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Kevin D. Burton is adjudged guilty of Count One in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B), and 846.

IT IS SO ORDERED.

Dated:

15 November  
2012

Larry Wells  
UNITED STATES DISTRICT JUDGE